

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISON

STEFAN WOODSON, :
: Plaintiff, :
v. : : Case No.: 3:13cv134
: :
CITY OF RICHMOND, VIRGINIA, et al., :
: Defendants. :
:

C.T. WOODY, JR., SHERIFF'S CROSS-CLAIM
AGAINST CODEFENDANT CITY OF RICHMOND, VIRGINIA

COMES NOW the Defendant and Cross-Claim Plaintiff, C. T. Woody, Jr., ("Sheriff Woody"), by counsel, for his Cross-Claim against the City of Richmond, Virginia (the "City") pursuant to Rule 13 of the Federal Rules of Civil Procedure, and states as follows:

1. Plaintiff Stefan Woodson ("Woodson") filed the underlying action against Sheriff Woody, the Sheriff of the City of Richmond and employees of the Richmond Sheriff's Office working at the Richmond City Jail ("RCJ"), the City of Richmond, and against CCS, arising from defendants' alleged negligence in causing Woodson's injuries and damages while incarcerated.

2. Sheriff Woody has denied any liability to Woodson and has denied any negligence or any other improper conduct. Sheriff Woody's Answer and Affirmative Defenses are incorporated herein by this reference.

3. Defendant and Cross-Claim Defendant, the City, is and at all relevant times hereto was a city within the Commonwealth of Virginia.

COUNT I
NEGLIGENCE – CITY OF RICHMOND

4. The allegations contained in Paragraphs 1 through 3 of this Cross-Claim are incorporated herein by this reference as if fully set forth herein.

5. The design, construction, and structural maintenance of the Richmond City Jail, including but not limited to the ventilation and cooling systems, is and all times relevant hereto was the responsibility of the City. *See* Va. Code Ann. § 15.2-1638; *Brown v. Mitchell*, 308 F.Supp.2d 682, 698 (E.D.Va. 2004); *May v. Newhart*, 822 F.Supp. 1233, 1235 (E.D.Va. 1993).

6. Woodson claims that the negligent acts of Sheriff Woody and the City, jointly and severally, caused, as a direct and proximate result of such conduct, Woodson to suffer severe and substantial damages.

7. Sheriff Woody has denied any liability to Woodson, has denied any negligence or other and improper conduct and alleges that the City's negligence, if any, was the sole proximate cause of Woodson's damages, if any.

8. Based upon claims made by Woodson against Sheriff Woody, the City negligently breached its duties and obligations to Sheriff Woody as alleged in the Amended Complaint, including but not limited to those duties set forth in Paragraphs 12, 50-58, and 121-126 of the Amended Complaint.

9. Therefore, to the extent that Woodson establishes by competent proof that the City failed to provide Sheriff Woody a jail with adequate ventilation and/or cooling and/or that the Jail was improperly designed, constructed or maintained by the City and these failures proximately caused damages suffered by Woodson and Woodson is therefore awarded damages, the City is lawfully indebted to Sheriff Woody for the amount awarded to Woodson.

WHEREFORE, to the extent that Woodson establishes a valid negligence claim against Sheriff Woody for the conditions of the jail designed, constructed and maintained by the City for Sheriff Woody, and proves that Woodson is entitled to damages as a result thereof, Sheriff Woody requests that this Court award negligence damages in favor of Sheriff Woody against the City and award such other and further relief as is just and appropriate under the circumstances.

A JURY TRIAL IS DEMANDED

C.T. WOODY, JR., SHERIFF

By: _____/s/ _____
Of Counsel

Jeff W. Rosen, Esquire
Virginia Bar No. 22689
Attorney for C.T. Woody, Jr., Sheriff
Pender & Coward
222 Central Park Avenue
Virginia Beach, Virginia 23462
Phone: (757) 490-6253
Fax: (757) 502-7351
Email: jrosen@pendercoward.com

Lisa Ehrich, Esquire
Virginia Bar No. 32205
Attorney for C.T. Woody, Jr., Sheriff
Pender & Coward
222 Central Park Avenue
Virginia Beach, Virginia 23462
Phone: (757) 490-6253
Fax: (757) 497-1914
Email: lehrich@pendercoward.com

Jeffrey A. Hunn, Esquire
Virginia Bar No. 45487
Attorney for C.T. Woody, Jr., Sheriff
Pender & Coward
222 Central Park Avenue
Virginia Beach, Virginia 23462
Phone: (757) 490-6298
Fax: (757) 497-1914
Email: jhunn@pendercoward.com

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of April, 2013, I will electronically file the foregoing ***Cross-Claim against Co-Defendant City of Richmond, Virginia*** with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Seth R. Carroll, Esq.
Benjamin M. Andrews, Esq.
Geoff McDonald & Associates, P.C.
8905 Fargo Road
Richmond, Virginia 23229
Phone: (804) 359-4446
Fax: (804) 359-5426
scarroll@mcdonaldinjurylaw.com
bandrews@mcdonaldinjurylaw.com
Attorneys for Plaintiff

David P. Corrigan, Esq.
Jeremy D. Capps, Esq.
Maurice S. Fisher, Jr., Esq.
Harman, Claytor, Corrigan & Wellman
P. O. Box 70280
Richmond, Virginia 23255
Phone: (804) 747-5200
dcorrigan@hccw.com
jcapps@hccw.com
sfisher@hccw.com

Kyle R. Elliott, Esq.
Office of the Richmond City Attorney
900 E Broad Street; Room 300
Richmond, Virginia 23219
Phone: (804) 646-7946
Fax: (804) 646-7939
Kyle.elliott@richmondgov.com
Attorneys for City of Richmond

Leslie A. Winneberger, Esq.
Beale, Davidson, Etherington & Morris, P.C.
701 E Franklin Street
Suite 1200
Richmond, Virginia 23219
Phone: (804) 788-1500
Fax: (804) 788-0135
lwinneberger@bealelaw.com
Attorney for Ken McRae

/s/

Jeff W. Rosen
Va. Bar Number 22689
Attorney for C.T. Woody, Jr., Sheriff
Pender & Coward
222 Central Park Avenue
Virginia Beach, VA 23462
(757) 490-3000/(757) 502-7351
jrosen@pendercoward.com